

MINUTES
CITY OF RIVERSIDE
CITY PLANNING COMMISSION
1,872nd Meeting



9:00 a.m. December 9, 2004
COUNCIL CHAMBER, CITY HALL
3900 MAIN STREET

**APPROVED AS PRESENTED AT THE
FEBRUARY 17, 2005 MEETING**

COMMISSIONERS PRESENT: Agnew, Brown, Comer, Densmore, Kurani, Leonard, Norton, Singletary, Stephens*

COMMISSIONERS ABSENT: None.

STAFF PRESENT: Gutierrez, Planning Director
Aaron, Principal Planner
Swiecki, Principal Planner
Hayes, Senior Planner
Miramontes, Senior Planner
Dinkel, Associate Planner
Sennewald, Assistant Planner
Laag, Assistant Planner
Walker, Assistant Planner
VanZanten, Sr. Engineer
Smith, Deputy City Attorney
Ramos, Stenographer

THE FOLLOWING BUSINESS WAS CONDUCTED:

Chair Agnew called the meeting to order at 9:00 a.m.

The Pledge of Allegiance was given to the Flag.

**Partial Attendance*

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- vacant land into 34 lots for the future development of single family residences, situated on the southerly side of the future extension of Norwood Avenue, westerly of College Avenue, in the RC - Residential Conservation and R-1-65-Single Family Residential Zones. *(This case is being concurrently heard with Planning Case P04-0967.) (The applicant requests continuance to January 6, 2005 and staff concurs.)* 10
- 6b. **PLANNING CASE P04-0967 (Continued from November 18, 2004):** Proposed general plan amendment by CSL Engineering on behalf of the Merickel Companies to amend the General Plan land use designation for approximately 8.8 acres of vacant land situated on the southerly side of the future extension of Norwood Avenue, westerly of College Avenue from RHS - Hillside Residential to RLD - Low Density Residential. *(This case is being heard concurrently with Planning Case P04-0803.) (The applicant requests continuance to January 6, 2005 and staff concurs.)* 10
7. **PLANNING CASE P04-1031 (Continued from November 18, 2004):** Proposal of Eddy Sutiono, on behalf of the Sugarbush Properties, for variances related to the installation of two freestanding signs on 18 acres developed with a commercial center, “University Town Center”, at 1756 University Avenue, situated on the southwest corner of University and Chicago Avenues, in the C-2 – Restricted Commercial Zone. **Variances requested:** 1) to allow a 40-foot high, double-face freestanding sign with a sign area of 250-square-feet and nine lines of copy along Chicago Avenue, where the Zoning Code allows a maximum 25-foot high, double-face freestanding sign with a maximum sign area of 100-square feet and three lines of copy; 2) to allow a 40-foot high, double-face freestanding sign with a sign area of 250-square-feet and nine lines of copy along University Avenue, where the Zoning Code allows a 6-foot high, double-face freestanding sign with a maximum sign area of 25-square-feet and two lines of copy. *(The applicant requests continuance to January 6, 2004 and staff concurs.)* 10
- 8a. **PLANNING CASE P04-1120 (Continued from November 18, 2004):** Proposed conditional use permit by Kassab Ama to establish a service station and mini-mart with off-site alcohol sales on approximately one vacant acre, situated on the northerly corner of Market Street and Rivera Street, in the C-2 Restricted Commercial Zone. *(This case is being heard concurrently with P04-1157 and P04-1119). (The applicant requests continuance to January 6, 2005 and staff concurs.)* . . . 10
- 8b. **PLANNING CASE P04-1157 and P04-1119 (Continued from November 18, 2004):** Proposed conditional use permit by Kassab Ama to establish an approximately 5,000 square foot market with off-site alcohol sales, and a design review of the plot plan and building elevations for an approximately 10,000 square foot, one-story commercial building and related parking, on an approximately one vacant acre, situated on the northwesterly side of Rivera Street, between Market Street and Allstate Drive in the C-2 Restricted Commercial Zone. *(These cases to be heard concurrently with P04-1120). (The applicant requests continuance to January 6, 2005 and staff concurs.)* 10
9. **PLANNING CASE P04-1238 (Annexation 101- Mariposa Avenue) (Continued from November 18, 2004):** Consideration of an annexation report and plan for providing services and to establish appropriate pre-zoning and General Plan land use designations to be placed on approximately 220 vacant acres generally bounded by Gamble Avenue to the west, Krameria Avenue to the north, Mariposa Avenue to the south and Obsidian Drive to the east. *(Staff recommends continuance to January 6, 2004.)* 11
10. **PLANNING CASES P04-0846 and P04-1160 (Continued from November 18, 2004):** Proposal by Michael Napolitano, on behalf of Carl Underwood, to amend the Municipal Code (Title 19) by rezoning 2 vacant parcels totaling approximately 0.59 acres from the R-1-65 - Single Family Residential Zone to the R-O- Restricted Office Zone, and the design review of a plot plan and building elevations for the establishment of a two-story, 11,708 square-foot office building located at 5286 Sierra Street and 6812 Streeter Avenue, situated on the southeasterly corner of Sierra Street and Streeter Avenue. 12

11. **PLANNING CASE P04-0266:** Proposed Parcel Map 31588 by Jill Simmons to subdivide an approximately 2.4 acre parcel developed with a church, private school and a single family residence into 2 parcels at 10256 Keller Avenue, situated on the southerly side of Keller Avenue, easterly of Tyler Street in the RR- Rural Residential Zone. 14
12. **PLANNING CASE P04-1256:** Proposed minor conditional use permit by Neal Casper to add a second drive-thru lane for an existing McDonald's fast food restaurant on approximately 1.06 acres at 2891 Canyon Springs Parkway, situated on the southwesterly corner of Canyon Springs Parkway and Day Street, in the C-2-SP-Restricted Commercial and Specific Plan Combining Zone. In conjunction with this request the applicant is also requesting a variance to permit two menu signs totaling approximately 86 square feet where two menu signs totaling 32 feet is permitted. . . . 15
13. **PLANNING CASE P04-1243 (Continued from November 18, 2004):** Proposed modification of conditions for Tract Map 31214 (P03-0082) by Charles Avila to increase the approved maximum building height elevation from 1759 to 1771 on approximately 1.46 vacant acres proposed to be subdivided into 7 lots for residential purposes located on the northeast corner of Orange Terrace Parkway and Hillsdale Road in the R-1-65-Single Family Residential Zone. 17
14. **PLANNING CASE P04-1213 and P04-1068 (Continued from November 18, 2004):** Proposed Parcel Map 33061 by Development Resource Consultants on behalf of KOAR I. A. LLC., to subdivide approximately 5 acres containing 4 parcels into 5 parcels for condominium purposes and design review of the plot plan and building elevations to develop the site with 5 office /industrial buildings, situated on the easterly side of Rivercrest Drive, northerly of Fisher Road in the MP-Manufacturing Park Zone. 18
15. **PLANNING CASE P04-1198:** Proposed rezoning by Philip Teyssier to amend the Municipal Code (Title 19) to rezone approximately 1.43 vacant acres at 3218 Jefferson Street, situated on the southwesterly side of Jefferson Street, northwesterly of the A.T. & S.F. railroad, from the R-1-65-SP-Single Family Residential-Specific Plan Combining Zone to the C-3-General Commercial and Specific Plan Combining Zone. 20
- 16a. **PLANNING CASE P04-1284:** Proposed Tract Map 33051 by Fidelity Homes, Inc, to subdivide approximately 1.7 acres into 15 lots for single family residential purposes at 1775-81 Rivera Street, situated on the westerly side of Rivera Street, between Allstate Drive and Strong Street in the RR-Rural Residential (tentative R-1-65) Zone. *(This case is being heard concurrently with P04-1285 and P04-1286.)* 21
- 16b. **PLANNING CASE P04-1285:** Proposed rezoning by Fidelity Homes Inc. to amend the Municipal Code (Title 19) to rezone approximately 1.7 acres developed with two single family residences at 1775-1781 Rivera Street, situated on the westerly side of Rivera Street, between Allstate Drive and Strong Street, from the RR-Rural Residential Zone to the R-1-65 Single Family Residential Zone. *(This case is being heard concurrently with P04-1284 and P04-1286.)* 21
- 16c. **PLANNING CASE P04-1286:** Proposed planned residential development by Fidelity Homes Inc. to establish an approximately 15- unit planned residential development (to be consolidated with the adjacent La Rivera Villas project) together with parking, private and common open space on approximately 1.7 acres at 1775-81 Rivera Street, situated the westerly side of Rivera Street, between Allstate Drive and Strong Street, in the RR-Rural Residential (tentative R-1-65) Zone. *(This case is being heard concurrently with P04-1284 and P04-1285.)* 21
- 17a. **PLANNING CASE P04-0984 (Continued from November 18, 2004):** Proposed Tract Map 32270 by Adkan Engineers on behalf of Hawarden Development Corp., to subdivide approximately 35.2 vacant acres into 19 lots for residential and open space purposes, situated on the northeasterly side of Via Vista Drive, southeasterly of Overlook Parkway (extended) in the RC-Residential Conservation Zone. *(This case is being heard concurrently with Planning Case P04-1144.)* . . 23
- 17b. **PLANNING CASE P04-1144 (Continued from November 18, 2004):** Proposed planned residential development by Adkan Engineers on behalf of Hawarden Development Corporation to establish an

approximately 18 lot planned residential development together with private streets and common open space on approximately 35 acres, situated on the northeasterly side of Via Vista Drive, southeasterly of Overlook Parkway (extended) in the RC-Residential Conservation Zone. *(This case is being heard concurrently with Planning Case P04-0984.)* 23

18. **PLANNING CASE P04-1273:** Proposed conditional use permit by Chuck Conyers to establish an automotive impound yard on approximately 1.63 acres developed with office building at 6101 Quail Valley Court, situated at the northerly terminus of Quail Valley Court, in the M-1-BP-Light Manufacturing and Business Park Combining Zone. 29

19a. **PLANNING CASE P04-1289:** Proposed conditional use permit by Terry Talley on behalf of Neal T. Baker Enterprises to construct an approximately 2,100 square foot fast food restaurant with a drive thru “Baker’s” on approximately 1.06 vacant acres at 1300 West Blaine Street, situated on the southwesterly corner of Blaine Street and Iowa Avenue, in the C-2 - Restricted Commercial Zone. *(This case to be heard concurrently with Planning Cases P04-1290 and P04-1292.)* 32

19b. **PLANNING CASE P04-1290:** Proposed conditional use permit by William Navigato to construct and operate an approximately 2,244 square foot automotive oil change facility “Grease Monkey” on approximately 1.06 vacant acres at 1300 West Blaine Street, situated on the southwesterly corner of Blain Street and Iowa Avenue, in the C-2 - Restricted Commercial Zone. *(This case to be heard concurrently with Planning Cases P04-1289 and P04-1292.)* 32

19c. **PLANNING CASE P04-1292:** Design Review of Plot Plan and Building Elevations by Terry Talley on behalf of Neal T. Baker Enterprises for an approximately 2,100 square foot fast food restaurant with a drive thru and an approximately 2,244 square foot automotive oil change facility “Grease Monkey” on approximately 1.06 vacant acres at 1300 West Blaine Street, situated on the southwesterly corner of Blaine Street and Iowa Avenue, in the C-2 - Restricted Commercial Zone. *(This case to be heard concurrently with Planning Cases P04-1289 and P04-1290.)* 32

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PLANNING/ZONING MATTERS FROM THE AUDIENCE

There were none.

CONSENT CALENDAR

1. **PLANNING CASE P04-1201:** Request by Constantine Ilie for a one-year time extension to record Parcel Map 30516. The map proposes to divide approximately 1.8 acres into three lots for residential purposes at 5745 Stover Avenue, situated on the east side of Stover Avenue, northerly of Campbell Avenue in the RR-Rural Residential Zone.
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Item three was pulled to be heard under the discussion calendar by Commissioner Kurani.

4. **PLANNING CASE P04-1231:** Proposal for design review of a plot plan and building elevations by Charles Brown, on behalf of Grove Community Church, for a 138,996-square-foot religious institution on approximately 4.6 vacant acres, situated on the northerly side of Siegal Avenue, easterly of Trautwein Road, in the MP-SP – Manufacturing Park and Specific Plan (Orangecrest) Combining Zones.
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MOTION MADE by Commissioner Kurani, **SECONDED** by Commissioner Singletary, **TO APPROVE** Items 1, 2, 4, and 5.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Comer, Densmore, Kurani, Leonard, Norton, Singletary

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Stephens

DISCUSSION CALENDAR

The following item was pulled from the Consent Calendar.

3. **PLANNING CASE P04-1277**: Proposal by MBK Homes for the Design Review of the plot plan and building elevations for an approved planned residential development consisting of 62 single family detached residences together with parking, private and common open space on approximately 6.9 acres of vacant land located at 9567 California Avenue, situated on the northerly side of California Avenue, southerly of Challen Avenue and westerly of Van Buren Boulevard and the Food 4 Less Supermarket, in the in the R-1-65 - Single Family Residential and C-2 - Restricted Commercial Zones (Tentative R-3-40 - Multiple Family Residential Zone per Planning Case P03-1219).

Commissioner Kurani stated that the case does not comply with a lot of the conditions.

Kelly Violette, Assistant Planner, stated there are several conditions that are not complied with and staff has spoken with the applicant who is willing to work out the conditions through design review with staff.

John Swiecki, Principal Planner, stated that Commissioner Kurani's concern is a point well-taken. It is certainly a question of judgment as staff felt these were conditions that would not have a major implication on design or result in major changes of the project, but could be implemented at an administrative level. That was staff's judgment; however if the Commission feels differently, that is its prerogative.

Commissioner Kurani asked staff if they feel they can work with the applicant to come up with a good solution.

Ms. Violette stated that the applicant has been very wiling to comply with the conditions. In terms of the major condition in regards to the architecture, the applicant has suggested that another project that was recently approved has similar articulation on the buildings and they wish to apply some different enhancements and set their project aside from that one.

Mr. Swiecki noted that in the event staff and the applicant do not come to an agreement, the case would be back before the Commission.

MOTION MADE by Commissioner Kurani, **SECONDED** by Commissioner Singletary, **TO APPROVE** P04-1277, subject to the findings and recommendations of staff.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Comer, Densmore, Kurani, Leonard, Norton, Singletary

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Stephens

PUBLIC HEARINGS

- 6a. **PLANNING CASE P04-0803 (Continued from November 18, 2004):** Proposed Tract Map 32476 by CSL Engineering on behalf of the Merickel Companies to subdivide approximately 23 acres of vacant land into 34 lots for the future development of single family residences, situated on the southerly side of the future extension of Norwood Avenue, westerly of College Avenue, in the RC - Residential Conservation and R-1-65-Single Family Residential Zones. *(This case is being concurrently heard with Planning Case P04-0967.) (The applicant requests continuance to January 6, 2005 and staff concurs.)*
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9. **PLANNING CASE P04-1238 (Annexation 101- Mariposa Avenue) (Continued from November 18, 2004):** Consideration of an annexation report and plan for providing services and to establish appropriate pre-zoning and General Plan land use designations to be placed on approximately 220

vacant acres generally bounded by Gamble Avenue to the west, Krameria Avenue to the north, Mariposa Avenue to the south and Obsidian Drive to the east. *(Staff recommends continuance to January 6, 2004.)*

MOTION MADE by Commissioner Comer, **SECONDED** by Commissioner Singletary, **TO CONTINUE** the above cases to the dates as noted above.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Comer, Densmore, Kurani, Leonard, Norton, Singletary

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Stephens

10. **PLANNING CASES P04-0846 and P04-1160 (Continued from November 18, 2004):** Proposal by Michael Napolitano, on behalf of Carl Underwood, to amend the Municipal Code (Title 19) by rezoning 2 vacant parcels totaling approximately 0.59 acres from the R-1-65 - Single Family Residential Zone to the R-O- Restricted Office Zone, and the design review of a plot plan and building elevations for the establishment of a two-story, 11,708 square-foot office building located at 5286 Sierra Street and 6812 Streeter Avenue, situated on the southeasterly corner of Sierra Street and Streeter Avenue.

Kelly Violette, Assistant Planner, presented the staff report. She noted that staff is recommending deletion of Condition 28 as architectural projections of up to four feet are permitted into the required front yard setback for Title 19 of the Zoning Code. She also noted that Condition 41 no longer applies and should be deleted.

Michael Napolitano, the applicant, 5198 Park Cliff Court, Riverside, stated that he concurs with all conditions of approval except for Condition 28. He explained that rather than eliminating the wall, they would like to work it out with staff because they feel they have some good ideas about for wall. He noted that they understand what staff is saying about blocking the vegetation and the landscaping; however, they believe they could set the wall back or open it up in order to articulate it. He stated that the wall really is part of the plan in terms of security and providing a little bit of a break between the sidewalk and the building.

Chariman Agnew asked staff to explain why they are recommending deletion of Condition 28.

Ms. Violette explained that a three-foot wall would detract from the landscaping.

Mr. Napolitano pointed out that condition 13d calls for the removal of the wall.

John Swiecki, Principal Planner, agreed, commenting that it is up to the Commission to modify that condition.

Commissioner Norton noted that this street is busy with teenagers on their way to school and with parents walking their elementary children to school. She explained she is concerned about the survival of the landscaping as it is left vulnerable to this traffic.

Mr. Swiecki stated there are pluses and minuses with either approach; however, the idea was to have that blocked-off area. He commented that there may be some room for working with the applicant to a modified design.

Commissioner Leonard asked the applicant if there is any desire to use the space inside the wall.

Mr. Napolitano stated depending on how the market rents out the properties, that could become an emergency exit or an actual exit or back door with possible patio area.

Commissioner Leonard commented that he is concerned as to whether the space would be used for picnic tables, etc.

Mr. Napolitano stated that is not the plan. It is a premium building and the owner is going to be spending a lot of money. The idea is a pride of ownership, lots of landscaping.

Harveys Nicknea, the designer, explained that the intent of the space is for a break area for people to step out and have a conversation and still be protected, or, divided from the sidewalk.

Commissioner Comer stated that he likes the wall and likes the idea of having an area for people that might want to step outside for whatever reason. He commented that he would like to see the wall there if it can architecturally be blended into the building.

The public hearing was officially closed.

MOTION MADE by Commissioner Densmore, **SECONDED** by Commissioner Kurani, **TO APPROVE** P04-0846 and P041160, **WITH MODIFICATION** to delete Conditions 28 and 41 and to modify Condition 13d to state that the developer will work with staff to potentially come up with an alternative to removing the three-foot-tall decorative wall. If staff cannot be convinced that that is a viable option then the Commission will defer to staff as to whether or not the wall stays.

Commissioner Leonard asked that the motion be modified to retain the wall, but that some design criteria be added that the surface of the wall reflect the surface area of the building and that it shall be a cap on the wall as reflected in the exhibit presented to the Commission today, which is the rendering the applicant provided.

Commissioner Densmore did not agree to amend his motion.

SUBSTITUTE MOTION MADE by Commissioner Leonard, **SECONDED** by Commissioner Norton, **TO APPROVE** P04-0846 and P04-1160, subject to the recommendations and conditions of staff, **WITH MODIFICATION** to delete Conditions 28 and 41 and modify Condition 13d to state: **“The 3-foot-tall decorative wall shall remain and final development plans shall reflect that the surface area of the wall shall be architecturally compatible with the building including a stone cap.”**

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Comer, Densmore, Kurani, Leonard, Norton, Singletary

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Stephens

Chairman Agnew advised of the appeal procedure.

11. **PLANNING CASE P04-0266:** Proposed Parcel Map 31588 by Jill Simmons to subdivide an approximately 2.4 acre parcel developed with a church, private school and a single family residence into 2 parcels at 10256 Keller Avenue, situated on the southerly side of Keller Avenue, easterly of Tyler Street in the RR- Rural Residential Zone.

Kelly Violette, Assistant Planner, presented the staff report. She noted that Condition 11 should be deleted as the Park and Recreation Department has indicated this condition is not necessary due to the fact the Public Works Department has a capital project that will install a median at this location.

Commissioner Norton inquired as to the parking.

Ms. Violette stated that no construction is proposed for either site; everything that is there is already existing.

Commissioner Norton inquired as to what the applicant would do to bring this back to the Commission.

Mr. Swiecki stated the applicant would need to propose some additional use of the church property. As far as staff is concerned, and as far as staff knows, everything that is occurring out there is pursuant to an approved conditional use permit; if they want to intensify the use, they would need to come back to the Commission for further revision of the conditional use permit.

Jill Simmons, 5161 Norwood Avenue, stated that she concurs with all of the conditions of approval.

Commissioner Densmore asked Ms. Simmons if she would have a problem if there were to be large animals at any of the surrounding properties.

Ms. Simmons stated no.

The public hearing was officially closed.

MOTION MADE by Commissioner Kurani, **SECONDED** by Commissioner Singletary, **TO APPROVE** P04-0266, subject to the findings, recommendations, and conditions of staff, including the deletion of Condition 11 and recommendation for adoption of a Mitigated Negative Declaration.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Comer, Densmore, Kurani, Leonard, Norton, Singletary

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Stephens

Chairman Agnew advised of the appeal procedure.

12. **PLANNING CASE P04-1256**: Proposed minor conditional use permit by Neal Casper to add a second drive-thru lane for an existing McDonald's fast food restaurant on approximately 1.06 acres at 2891 Canyon Springs Parkway, situated on the southwesterly corner of Canyon Springs Parkway and Day Street, in the C-2-SP-Restricted Commercial and Specific Plan Combining Zone. In conjunction with this request the applicant is also requesting a variance to permit two menu signs totaling approximately 86 square feet where two menu signs totaling 32 feet is permitted.

Don Dinkel, Associate Planner, presented the staff report.

Commissioner Densmore stated so it is recommended approval of the lane, but not additional signs.

John Swiecki, Principal Planner, explained that the applicant is requesting more signage than staff is recommending approval of.

Commissioner Norton inquired as to the whether the second sidewalk is being deleted because of lack of use. She also asked if the area would then become additional planting area.

Mr. Dinkel stated he is not aware of any sidewalk being deleted on Day Street. He commented that the only thing being eliminated is the landscaping.

Mr. Swiecki stated there would certainly be no nexus for eliminating the sidewalk relative to this proposal and staff would not support that.

Rob Van Zanten, Senior Engineer with the Public Works Department, pointed out that pedestrian path of travel would be something subject to review by the Building and Safety Division in compliance with State Title 24.

Don Ikeler, the Area Construction Manager for McDonald's Corporation, 11682 El Camino Real, Suite 400, San Diego, stated that they are trying to make the access comply with ADA. He stated they agree with all of the conditions of approval.

Commissioner Densmore asked the applicant if they are planning to increase staff to accommodate the second drive thru lane.

Mr. Ikeler stated the additional lane does require an increase in staff; it requires a second order taker inside to handle the other lane.

Commissioner Leonard asked if Sign C is being approved as part of this application.

Mr. Dinkel stated Sign C is not really considered to be a sign; staff is requiring them to take off all of the ID to identify McDonald's and use it as a hazard sign. It is being called a structure.

Commissioner Leonard asked for clarification that the clearance structure makes sure that the vehicle that enters the canopy can clear it, having cleared this sign.

Mr. Ikeler stated that is correct. He explained that the benefit is actually two-fold; one reason is safety, the other is the customer entering the site will clearly be directed to where the drive thru is.

Commissioner Leonard stated rather than a structure like this, is it ever possible to use a trellis to accomplish the same thing.

Mr. Ikeler commented that he has never been asked that question. He stated if you look at this bar it is actually just a push bar. In the event a vehicle does come through and hits it, they would obviously hear it first and be aware that their height is going to be an issue before they pull through.

Commissioner Leonard stated it just seems like there might be another way to dress this up rather than a more institutional appearance.

The public hearing was officially closed.

MOTION MADE by Commissioner Leonard, **SECONDED** by Commissioner Kurani, **TO APPROVE** P04-1256, subject to the recommendations and conditions of staff, **WITH MODIFICATION** to add an advisory condition that the clearance site labeled as Sign C be designed in the form of an open trellis design, which would include the push bar hanging from the trellis in lieu of the sign that has been proposed and that the design of that trellis be worked out between staff and the applicant.

Commissioner Densmore expressed his concern that the trellis issue be left up to the applicant and that he be left with some flexibility.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Comer, Densmore, Kurani, Leonard, Norton, Singletary

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Stephens

Chairman Agnew advised of the appeal procedure.

The Commission took a five-minute break at this time.

13. **PLANNING CASE P04-1243 (Continued from November 18, 2004)** : Proposed modification of conditions for Tract Map 31214 (P03-0082) by Charles Avila to increase the approved maximum building height elevation from 1759 to 1771 on approximately 1.46 vacant acres proposed to be subdivided into 7 lots for residential purposes located on the northeast corner of Orange Terrace Parkway and Hillsdale Road in the R-1-65-Single Family Residential Zone.

Don Dinkel, Associate Planner, presented the staff report.

Charles Avila, the applicant, stated that he concurs with all of the conditions of approval.

The public hearing was officially closed.

MOTION MADE by Commissioner Kurani, **SECONDED** by Commissioner Norton, **TO APPROVE** P04-1243, subject to the findings, recommendations, and conditions of staff.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Comer, Densmore, Kurani, Leonard, Norton, Singletary

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Stephens

Chairman Agnew advised of the appeal procedure.

14. **PLANNING CASE P04-1213 and P04-1068 (Continued from November 18, 2004):** Proposed Parcel Map 33061 by Development Resource Consultants on behalf of KOAR I. A. LLC., to subdivide approximately 5 acres containing 4 parcels into 5 parcels for condominium purposes and design review of the plot plan and building elevations to develop the site with 5 office /industrial buildings, situated on the easterly side of Rivercrest Drive, northerly of Fisher Road in the MP-Manufacturing Park Zone.

John Swiecki, Principal Planner, noted that Item 15 is requested for continuance and suggested that the Commission take action on that item now. The Commission this returned to the following:

Clara Miramontes, Senior Planner, presented the staff report.

Commissioner Leonard expressed his concern that a three foot setback is quite minimal. He asked what the driveway width is between the buildings and parking areas.

Ms. Miramontes stated it appears to be about 30 feet.

Jennifer Russo, representative of the architectural firm working on this project, stated that they agree with all of the conditions except they would like to discuss Condition 8 in terms of the three-foot planter item. She explained that they would like to propose doing the trees every four to six stalls, but not doing a three-foot wide planter at the back of the site. Their rationale is that they do provide the necessary landscape setbacks at the front of the building and in this zone no required setbacks are required on the sides or the rear of the property based on the zoning; however, they are providing setbacks on the sides. She stated that at the back of the site, the freeway is actually about 40-60 feet away from their rear property line. They know that as you leave the site and go towards the freeway it is going to be an open zone there and because they have the trees (they are hoping to do screening with trees) they would rather not do just a three or five foot planter at the back, but would rather leave it open there based on the fact they have the additional landscaping on the front of the sides and will also be providing the trees at the back. In regard to the drive width, she noted that the drive width right now is 24 feet with the condos; there is a wider drive width as you get up to the industrial buildings to ensure all the turn radiuses required. She stated if they did take an even further setback for landscaping, they will lose square footage of their buildings.

Commissioner Leonard asked the applicant if there is a reason they went a little wider on the rear.

Ms. Russo explained that they went wider on the rear because they wanted to ensure that all of their truck-turn radiuses worked.

The public hearing was officially closed.

MOTION MADE by Commissioner Comer, **SECONDED** by Commissioner Norton, **TO APPROVE** P04-1213 and P04-1068, subject to the findings, recommendations, and conditions of staff. The landscape setback at the rear is to be retained as these will be really nice, high-quality buildings and he feels a little bit of landscaping back there would be appropriate in that, hopefully they will get some higher-end uses. The motion includes the recommendation for adoption of a Mitigated Negative Declaration.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Comer, Densmore, Kurani, Leonard, Norton, Singletary

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Stephens

Chairman Agnew advised of the appeal procedure.

15. **PLANNING CASE P04-1198**: Proposed rezoning by Philip Teyssier to amend the Municipal Code (Title 19) to rezone approximately 1.43 vacant acres at 3218 Jefferson Street, situated on the southwesterly side of Jefferson Street, northwesterly of the A.T. & S.F. railroad, from the R-1-65-SP-Single Family Residential-Specific Plan Combining Zone to the C-3-General Commercial and Specific Plan Combining Zone.

MOTION MADE by Commissioner Norton, **SECONDED** by Commissioner Kurani, **TO CONTINUE** P04-1198 to the meeting of January 20, 2005.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Comer, Densmore, Kurani, Leonard, Norton, Singletary

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Stephens

- 16a. **PLANNING CASE P04-1284:** Proposed Tract Map 33051 by Fidelity Homes, Inc, to subdivide approximately 1.7 acres into 15 lots for single family residential purposes at 1775-81 Rivera Street, situated on the westerly side of Rivera Street, between Allstate Drive and Strong Street in the RR-Rural Residential (tentative R-1-65) Zone. *(This case is being heard concurrently with P04-1285 and P04-1286.)*
- 16b. **PLANNING CASE P04-1285:** Proposed rezoning by Fidelity Homes Inc. to amend the Municipal Code (Title 19) to rezone approximately 1.7 acres developed with two single family residences at 1775-1781 Rivera Street, situated on the westerly side of Rivera Street, between Allstate Drive and Strong Street, from the RR-Rural Residential Zone to the R-1-65 Single Family Residential Zone. *(This case is being heard concurrently with P04-1284 and P04-1286.)*
- 16c. **PLANNING CASE P04-1286:** Proposed planned residential development by Fidelity Homes Inc. to establish an approximately 15- unit planned residential development (to be consolidated with the adjacent La Rivera Villas project) together with parking, private and common open space on approximately 1.7 acres at 1775-81 Rivera Street, situated the westerly side of Rivera Street, between Allstate Drive and Strong Street, in the RR-Rural Residential (tentative R-1-65) Zone. *(This case is being heard concurrently with P04-1284 and P04-1285.)*

Mike Coyazo, Senior Planner, presented the staff report.

Commissioner Leonard asked if the residence to be removed is eligible for review by the Culural Heritage Board or staff.

Mr. Coyazo stated he believes the applicant will be providing some information regarding the residence and the recommendation is that there was no historical significance to the structure.

Mike Naggar, 43034 Agina Street, Temecula, stated that the Northside Improvement Association is in agreement with this expansion. He stated that when they did the previous improvement for La Rivera Villas, this Commission as well as the community, anticipated this type of expansive growth, which is why they included it in the General Plan amendment at the time, knowing they would address the rezoning later. They were conditioned with the La Rivera project to include this project in the CC&R's. They probably would have brought this as an amended tract map except they are too far down the line with final maps for La Rivera to have been able to do that. He noted that he concurs with the conditions of approval.

Commissioner Densmore asked Mr. Naggar to review his discussions/negotiations with the adjacent property owner.

Mr. Naggar stated that he has been in discussions with the property owner, who is present today. He noted that she is in support of the project. He explained that one of the primary concerns was that there was a fresh water pipe for Alamo Water District that had to be removed and relocated along the perimeter of the site. When they first started to design the project, it turned out there was going to be the perimeter wall placed right on top of that pipe. They had an extra 17 feet of space and they will now adjust the property line, create a new lot and a map, making that lot a part of the adjacent property's land, and, in the future, should this area be developed, it will make this land better able to be developed because they are actually widening that lot. They have designed the La Rivera project to incorporate the growth and the widening of the lot makes good sense at this point.

Commissioner Leonard asked Mr. Naggar what his expectation is as to the disposition of the house to be removed.

Mr. Naggar stated their preliminary research says that it has no cultural significance; they are still doing some verification and before that goes to Council, they will verify that.

Sam Gregoroy, 4432 Strong Street, Riverside, spoke in support of the project.

The public hearing was officially closed.

Rob Van Zanten, Senior Engineer with the Public Works Department, requested that Condition 14 (Page 11) be revised to state, "Recordation of **the appropriate phases of** TM 30922 or its equivalent **as necessary to provide access and infrastructure** prior to recordation of this map."

Commissioner Kurani congratulated the applicant for working with the residents.

MOTION MADE by Commissioner Kurani, **SECONDED** by Commissioner Norton, **TO APPROVE** the above cases, subject to the recommendations and conditions of staff, **WITH MODIFICATION** to Condition 14 of P04-1284 (TM-33051) to state, "Recordation of **the appropriate phases of** TM 30922 or its equivalent **as necessary to provide access and infrastructure** prior to recordation of this map. The motion also includes the recommendation for adoption of a Mitigated Negative Declaration.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Densmore, Kurani, Leonard, Norton, Singletary

NOES: None.

DISQUALIFIED: Comer

ABSTAINED: None.

ABSENT: Stephens

Chairman Agnew advised of the appeal procedure.

- 17a. **PLANNING CASE P04-0984 (Continued from November 18, 2004):** Proposed Tract Map 32270 by Adkan Engineers on behalf of Hawarden Development Corp., to subdivide approximately 35.2 vacant acres into 19 lots for residential and open space purposes, situated on the northeasterly side of Via Vista Drive, southeasterly of Overlook Parkway (extended) in the RC-Residential Conservation Zone. *(This case is being heard concurrently with Planning Case P04-1144.)*
- 17b. **PLANNING CASE P04-1144 (Continued from November 18, 2004):** Proposed planned residential development by Adkan Engineers on behalf of Hawarden Development Corporation to establish an approximately 18 lot planned residential development together with private streets and common open space on approximately 35 acres, situated on the northeasterly side of Via Vista Drive, southeasterly of Overlook Parkway (extended) in the RC-Residential Conservation Zone. *(This case is being heard concurrently with Planning Case P04-0984.)*

John Swiecki, Principal Planner, presented the staff report. He informed the Commission that the Planned Residential Development case has been withdrawn by the applicant. He noted that modified conditions of approval were distributed. He pointed out that in the list of recommended variances on Page 1 of the conditions of approval would be to allow the average lot size less than two acres just mentioned, which was not formally listed as a variance to be granted. He also noted that several letters of concern and comment were distributed to the Commission.

Commissioner Densmore stated that he is having trouble with the variance justification for the density issues. He explained that the variance justification states that because Overlook is going to take out some of the property, the remaining property is not large enough to accommodate the two-acre lots, so there is a variance requested.

Kristi Smith, Deputy City Attorney, stated she would like to first allow Mr. Swiecki to address whether or not the street is used in the calculation of the lot size. In terms of the variance justifications and the findings, she reminded the Commission that if they do not believe that the findings made are sufficient to grant a variance, they do not have to grant the variance; however, if they Commission does believe that based on the justifications made and the facts presented there is sufficient justifications to make this project and these lots unique to grant the variance, then the Commission is within its power to do so.

Commissioner Leonard asked how Lots 2, 5, 6, 8, 9, and 10 get access. He commented that he realizes that the slope along the frontage is as level as 5:1.

Mr. Swiecki stated the maximum driveway grade is 15 per cent; any pad would have to comply with the Fire Department standard for access.

Commissioner Leonard stated it would be helpful in the future if all of the lots showed a point of access, not only just to demonstrate it could be done, but also get an understanding of separation of driveways along any street. He referred to Lot 15 and asked if we have comparables in the area similar to this kind of design.

Mr. Swiecki stated in the Alessandro Heights area, yes, often you will find with the terrain and topography there are flatter areas up behind other lots and, typically, that can be accomplished.

Commissioner Leonard asked for clarification that the condition for the storm drain is an interim condition until Overlook can be extended.

Rob Van Zanten, Senior Engineer with the Public Works Department, stated that is correct.

Charissa Leach, Adkan Engineers, 6820 Airport Drive, Riverside, stated that they walked the site with staff to look at some of the sensitive issues, the most important of which is the rock out cropping on Lot 17. This was a change they made, which required the 40-foot slope variance seen for Lot 17. She stated the more sensitive approach they took was to go around the rocks, which would cut into the rocks as opposed to going through the rocks. They could go through the rocks and eliminate the 40-foot slopes, but that was a little less sensitive than what they chose to do here. She referred to the letter from the Friends of Riverside's Hills and clarified that she is a registered civil engineer and that her license is current. She referred to Lot 15 and stated that the Fire Department is happy with that lot because of it being above the street. She stated that Lot 16 originally required a variance for a slope over 20 feet and in the revision they did eliminate that requirement. Lot 14 does not have a slope over 20 foot; it is 4:1. Lot 3 does have a 24-foot slope; they got it under 30 foot by putting a retaining wall in there due to the design of Overlook Parkway. She commented that in terms of slope variances, they believe they are well within what is allowed. She stated that they did increase the open space to 10.3 acres in order to preserve the rock out cropping at Lot 17. She referred to Condition 2e, which indicates they need a grading exception for a pad size of 21,000 square feet. The map indicates that the graded area for that pad is 19%, which is under 20% and, therefore, they would not need a grading exception. She referred to the historical average natural slope versus what is existing, stating that she would have loved to have been given the opportunity to do the historical because they would not have to include all the 1:1 slopes along Via Vista and she could eliminate two variances.

Andy Bodewin, 6949 Chartwell Drive, Riverside, the project proponent, stated that their design on this project was about a year and a half. The partnership that owns this land has owned it for a little over two years; previously it was owned by a group of individuals who lived out of the City. He stated that the reason they actually went through the design changes before the last Planning Commission meeting is they were really unaware that staff did not support the PRD and did not support the tennis court. He stated that they had had discussions with staff, but until they read the staff report they had no idea and believed the plan they had was the plan everybody liked. He explained that when they met Planning staff on the site to address questions it opened both of their eyes as staff had some suggestions that were very good and that they further understood why they had designed the tract in the way it did. Whether this tract was a PRD or a standard subdivision, they would have designed it the same, with a couple of exceptions. He stated that if you look at the open space, which is on the lower portion of the map, west of Via Vista Drive, under a PRD that would be just a nice area for open space (3.47 acres). They could have designed and asked for a variance to put another lot in that area; it is certainly well over two acres; however, they felt it was more important to leave that area as open space and ask for variances for Lots 10 and 11 to make those lots a little bit smaller as opposed to combining Lots 10 and 11 and putting a lot in that 3.74 acres. He feels it is a lot more sensitive design. In regard to the issue with this particular map as was mentioned in the letter that came after midnight from the Friends of Riverside's Hills, he had not been involved in this property except for the last two, or two-and-a-half years, although he did develop the property to the north, across Via Vista, with another partnership in 1987. When that tract (22467) was developed and approved and recorded, the alignment for Overlook Parkway was 200 feet further to the north than it is now and the map was recorded that. Approximately two years later, he was involved and purchased the land to the south of this, which would be below Lots 15 and 17, which is Tract 24082. When they did the final design on that map, Public Works asked them to move Overlook Parkway approximately 200 feet to the south, which is why the location of Overlook has changed. At the time, Public Works had them do the vertical and horizontal alignment from Overlook from Hillcrest to the east, all the way down to the Muir Field area. In regard to biological issues, he stated that they did full biological studies and staff has reviewed those. They are in line with and meet the conditions of the MSHCP in regard to any biological issues. He explained that the request

for the variance for Overlook Parkway, the density variance, would not have been necessitated under a PRD because the PRD is figured into gross acreage of the site; however, when they discovered that staff was not red hot about having the PRD, they never even brought up the idea of the variance before they knew it was possible. He stated that there is not one site of property in Riverside that has even had to encumber more than 5% of their subdivision as far as Overlook Parkway and in this case, over 10% of their subdivision was encumbered by Overlook Parkway, which is an unusual hardship. He commented that it was not set by them, but by the ultimate alignment of Overlook Parkway. The zone allows lots to be as small as a half acre if you have sewer; one-acre minimum if there is no sewer or two acre average. He stated if you look at the variance findings, the subdivision to the north (T-22467) was granted 10 lots on 20 acres. The subdivision below, which was the same zoning except there was a small portion that was RA zoning and part of RC is 21 lots on 30 acres, so 17 lots on 35 acres is very consistent and less dense than most of the neighborhood.

Alicen Wong, Land Use attorney at Gresham Savage Nolen and Tilden, San Bernardino, stated that she only received the letter an hour ago, but is prepared to address it. She first distributed a response letter to several objection letters that were previously received. In regard to the letter from the Friends, she stated that there are two basic objections raised by the Friends. The first is that the density variances are not legally justifiable; the second issue is regarding the other variances, the lot size, average natural slope variances. She stated that as Andy mentioned, the reason why the density variance is requested is because the dedication required for Overlook Parkway amounts to about 10% of the project acreage. There have been similar projects in this area that have been required to dedicate right-of-way for Overlook Parkway, particularly Tract Map 29515; however, that project is over 200 acres, whereas this project is 35 acres. As a percentage of the acreage in the project, T-29515 was required to dedicate 2% for the construction in terms of acreage for the construction of Overlook Parkway whereas this tract is required to dedicate 10% of the acreage for Overlook Parkway. She stated that the Friends go into several reasons why there should be no justifications for the request for density. They say that the City Zoning Ordinance does not permit an applicant to consider the dedication of both sides of the right-of-way as a justification of a variance. She stated that is correct; the Ordinance says nothing about a justification for a variance. The variance itself is separate from the Ordinance. The Friends say that this particular project should be considered to be two independent tracts: the northwest side and the southeast side and that if it were two separate tracts, the northeast side would dedicate half of Overlook, the southwest would dedicate half of Overlook and the variance justification would go away. She noted that, actually, this really would make no difference as it is exactly the same. If you split Overlook down the middle and you had two projects (the northwest and the southeast) and the northwest dedicated half of Overlook and the southeast dedicated half of Overlook, each project would have the same project dedication of the half right-of-way for Overlook. She noted that the Friends state the 35-acre project is not small; however, it is not a matter of whether the project is large or small, but a question of percentage of the acreage. The Friends also make the point that Andy has developed other projects in the area and that if Andy had been able to combine all of the projects he has developed over the past ten years into one huge project, that we would have been able to design this acreage differently. She stated that is, of course, correct; however, it does not take into account the fact that Andy could not develop this project as part of a huge project because time plays an effect in this and he did not own this particular project at the same time he developed the earlier project. The Friends object that the route of Overlook Parkway was changed at the request of the applicant. She stated that the question is not where Overlook Parkway is, but the percentage of the right-of-way of Overlook Parkway as a percentage of the total project acreage.

Commissioner Densmore commented that he thinks the Commission is really hearing rebuttal as opposed to the original statement of the applicant and he would like to see if there is anyone from the Friends of Riverside's Hills here; otherwise, the Commission may not have concerns that are being addressed. He

explained that he would like to hear from the applicant what hardships there are in the development of their property, not in the development of 17 lots or 16 lots. He commented that he is hearing that the number of lots that you can get out of this acreage is reduced because of Overlook, but that was not initiated by the Commission. He asked how will it be a hardship on the development of the property in general because of the Overlook taking.

Ms. Wong stated that State Case Law on variances focuses on bringing properties in adjacent areas into parity with each other. When you have a property like Tract Map 29515 right next door that has parent parcels of over 200 acres and you are required as a developer to dedicate 2% of your acreage for a dedication of a right-of-way such as Overlook that is required to go in, compared to an adjacent property owner who has parent parcels of 35 acres who is required to dedicate 10% for Overlook, that is the necessary hardship in the development of the property.

Commissioner Densmore asked if that was addressed in the justifications the Commission received.

Ms. Wong stated yes. She also stated that it is a huge increase in cost to be required to dedicate for a right-of-way that amounts to 10% of your acreage.

Commissioner Densmore asked if cost is a legitimate factor for the Commission to consider when granting a variance.

Ms. Wong stated yes, when you consider the percentage of the right-of-way compared to an adjacent project that has been over 200 acres.

Ms. Smith stated she would disagree with that.

Ms. Wong continued. She stated that the Friends argue that because this project is not required to connect Overlook Parkway through the open space Lot 19, that that portion of the Overlook right-of-way should not be included in the variance consideration. She explained that this project is being required to dedicate all right-of-way for Overlook Parkway whether it is constructed or not, so that really is not an issue. She referred to the variance arguments, stating there are quite a few specific objections. One of them is that the lot size in the variances as stated in terms of average existing slope. The applicant's variance findings address it in terms of average natural slope, so this also not is not an issue. In terms of the flag lot, the Friends object that the fact that there is less grading required to have Lot 15 as a flag lot compared to taking street B, which is the street that provides access to the flag and creating a knuckle to extent the private street to Lot 15; the fact that less grading is required for a flag lot means that you cannot use that as the basis for a variance finding. She explained that desirability is actually a subjective issue and the fact that there is less grading involve is a factual issue so their grading exception finding is based on the fact that there is less grading for a flag lot than would be required to extend the street. Whether it is desirable or not is not the issue.

Rebecca Beal, 7331 Via Vista Drive, stated she is the very first house adjacent to Lot 17. She commented that she is not totally in opposition to this project as she has both view. She expressed concern regarding the placement of Overlook Parkway and the fact that her community over the years has been inundated with building. They have not be given ingress or egress streets to relieve the traffic on Via Vista except for one that leads out to Wood Road, which is way in the back of the old compass development, which now feeds traffic down Alessandro, up Via Vista to bypass the intersection up at Mission Grove. She commented that

they have been impacted even more by doing that. She also discussed the traffic impacts of the community and the fact that they have not sidewalks on their streets.

Mary Humboldt, 7407 Dufferin Avenue, a member of the Friends of Riverside's Hills, stated that the fact that their letter was received at midnight was not their fault. She commented that she remembers when she and Andy were on the Overlook Parkway Committee and Frank Schiavone was their president. They would like to see their City remain as beautiful as it is and while she understands that sometimes people want to make a profit out of things, sometimes less is better than more.

Mr. Bodewin stated in regard to Tract 29628 (to the west) that the EIR is nearly completed and he has had a chance to review a draft of it. There is no change in the alignment of Overlook Parkway rather it be one of the four alternatives, it will all be the same. He asked Public Works if the alignment appears to be correct.

Mr. Van Zanten stated it does appear to be substantially consistent with PSL 23-A. They are currently going through with their surveyor to confirm both horizontal and vertical alignment just to make sure it does fit since this is some of the last little pieces going in.

Mr. Bodewin stated in regards to sidewalks they will put in whatever Public Works requests. In regard to the 17 homes that will go in if approved over the next five to ten years, there will be about a hundred trips per day. The traffic calculations the City engineer has done for that allow for much more traffic counts than they have today or will have. He commented that if he did not have to build Overlook Parkway, he would be the first one to stand up and say he does not want build it either; however, there are certain requirements in developing a land and the City has certain necessities, which is why he is doing it. He noted that the variance for Lot 15 being a flag lot needs to say flag lot.

Ms. Beal stated the open space area where the bridge is proposed to go through is right where she lives. She stated that if the Commission does approve this she would request for her own piece of mind as her bedroom is on that side of the house, that the open space area be planted with dense trees to mitigate the noise that will eventually be going in through the bridge and everything else going down that street.

The public hearing was officially closed.

Following further discussion the following motion was made:

MOTION MADE by Commissioner Leonard, **SECONDED** by Commissioner Norton, **TO APPROVE** P04-0984, subject to the recommendations of staff, incorporating the revisions distributed today, **WITH MODIFICATION** to delete Condition 2e, to include the variance for the flag lot on Lot 15, and to include the mitigating conditions:

- *9 The applicant shall be required to pay the standards SKR mitigation fee.**
- *10 The project will be subject to the MSHCP Local Development Mitigation Fee.**
- *11. Clearance Study will be required prior to ground clearing activities to mitigation any potential impacts to the Burrowing owl, nesting birds, and sensitive reptiles.**

- *12. The project shall avoid and minimize impacts to offsite habitats through project design and clean construction practices.**
- *13. During initial ground clearing activities, a biological monitor should conduct daily clearance surveys for any sensitive or incidental wildlife that may occur within the impact area.**
- *14. To mitigate potential impacts to any bird-nesting habitat, any grading should be done outside the avian breeding season (February 15 - July 31). If grading will be conducted during the breeding season, a qualified biologist will conduct a survey for active nests. If active nests are located within the project site or within 500 feet of the project footprint, a consultation with DCFG and/or USFWS will be required.**
- *15. The applicant shall obtain necessary permits from the United States Army Corps of Engineers and the California Department of Fish and Game.**

MOTION CARRIED unanimously.

AYES: Agnew, Comer, Kurani, Leonard, Norton, Singletary

NOES: Brown, Densmore

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Stephens

Chairman Agnew advised of the appeal procedure.

18. **PLANNING CASE P04-1273**: Proposed conditional use permit by Chuck Conyers to establish an automotive impound yard on approximately 1.63 acres developed with office building at 6101 Quail Valley Court, situated at the northerly terminus of Quail Valley Court, in the M-1-BP-Light Manufacturing and Business Park Combining Zone.

Don Dinkel, Associate Planner, presented the staff report.

Commissioner Stephens inquired as to whether the eight foot wall is necessary due to the nature of the use.

Mr. Dinkel stated yes.

Commissioner Comer inquired as to whether this site would be viewable from the freeway.

Mr. Dinkel stated yes.

Commissioner Comer stated that this would mean a motorist on the overpass would be able to look into this impound yard.

Mr. Dinkel stated yes.

Commissioner Norton asked if proper notification was sent to the surrounding properties.

Mr. Dinkel stated yes.

Commissioner Norton explained she was concerned because there is a very active neighborhood group out there that she is surprised did not express themselves. She inquired as to whether the landscaping and irrigation comes back to staff or to the Commission.

Mr. Dinkel stated that the landscape and irrigation plans would come back to staff; however, the Commission could condition that the plans be reviewed by them.

The applicant was not present.

Larry Crystal, one of the partners of the property next door and adjacent to this site, stated that over the last couple of years there have been all kinds of automobiles parked in and out of the subject site; there has also been trash brought to the property creating a very displeasing sight. He expressed his opposition to the project. He explained that they completed their first building adjacent to the subject site about ten years ago and they just completed a building to their right, just this year. They had to go through a lot of hoops as the City wanted to make sure their site was aesthetically pleasing to view from the freeway and the railroad. He also expressed his concern with the fact that they operate a business, which is a laboratory where testing of City water and other sensitive business is conducted. He feels this might attract some people with ill intent from the impound yard to get into their property since they would have to pass through their parking lot to get to the wall in the back because their lower parking lot is right next to the lower end of the property. He imagines there would be all kinds of people that could be interested in cars left unattended. He is not comfortable with that an eight-foot-high wall is enough. He also expressed concern due to the fact that the subject site is somewhat of a sump and there is no good storm water drainage when it does rain. That property right now is pretty much just open ungraded virgin land and it puddles. He also noted that he

knows nothing about the business in question in terms of whether or not they are licensed or who controls the business.

Commissioner Norton asked if Mr. O'Neil from Raceway Ford contacted staff.

Mr. Dinkel stated Raceway Ford was notified, but no comments were received.

Commissioner Leonard stated that according to the letter of opposition the Commission received, Mr. Crystal's use has been in existence for some time. He asked Mr. Crystal if he has any suggestions on how to better handle the situation other than an eight-foot-high wall.

Mr. Crystal inquired as to what the lighting situation will be. He stated he is interested as to how they even get in there because you have to go through the front property of a front building, which he thinks will be another owner. It is a very narrow, very isolated area that has been used very inappropriately and he highly recommends that if this is going to be considered an appropriate use, that it be tightly controlled and organized with some type of a monitoring of their activities. He stated that they will be concerned about the safety due to the nature of their own business. He feels one can get over an eight-foot-wall, especially if it is not being monitored by anyone.

Commissioner Leonard noted that there are no conditions that deal with the security lighting/motion detectors or with keeping the property in an orderly and neat condition.

Commissioner Brown asked staff if they are aware there is a site identical to this site off of Alessandro.

Mr. Dinkel commented that he is not familiar with that area and asked if the site is in the County or the City of Riverside.

Commissioner Brown Stan commented he is not sure, but suggested this case be further studied by staff and brought back to the Commission at a later date.

Commissioner Kurani commented that this case should be brought back to the Commission since the applicant is not present today. He asked Mr. Crystal if he would feel more comfortable if all of his concerns were addressed through the conditions of approval.

Mr. Crystal stated he feels anything that is put in there that would be tempting for someone to come and make a profit on in some way is only making the site more unsafe.

Commissioner Kurani asked Mr. Crystal if it is safe to say that he opposes this use.

Mr. Crystal stated that his business does oppose the proposed use.

Commissioner Densmore commented that he feels the Commissioner has expressed its concerns before regarding applicants who do not show up—some cases that is not absolutely necessary if it is a cut and dry claim; however, here, there is oral and written testimony that bring up some good questions.

MOTION MADE by Commissioner Densmore, **SECONDED** by Commissioner Kurani, **TO CONTINUE** P04-1273 for 30 days to allow the applicant to address the concerns of the Commission.

Commissioner Comer stated that he would like to close the public hearing and move for denial of this case. He explained that the Commission has heard from a gentleman today who has been in the community for a long time, who runs a laboratory and maintains a good high-paying job. This supports the desire of the Commission of raising the bar and having better things in the community. He indicated that earlier today the Commission approved 120,000 square feet of freeway showroom industrial buildings--a \$60 million dollar project that will be built out in this location. He explained that the plan is to attract other businesses to the community; however, what these other businesses are going to see when they come to this community is this impound yard. This impound yard is going to take wrecked cars leaking fluids and if it is a place that is low currently, water is going to gather in the bottom of that. He asked Public Works if they can maintain for the runoff and was told that they could; however, the problem is we do not have an enforcement mechanism to make sure that the owner is cleaning the filters and maintaining it properly. He commented that this is a nice, high-end business park and there will be a couple of million square feet of buildings built out here in the next few years and it will really be a jewel for the City. He does not believe this use fits in this area.

SUBSTITUTE MOTION MADE by Commissioner Comer, **SECONDED** by Commissioner Norton, **TO CLOSE THE PUBLIC HEARING.**

The public hearing was officially closed.

MOTION MADE by Commissioner Comer, **SECONDED** by Commissioner Brown, **TO DENY** P04-1273.

Commissioner Stephens stated he is in favor of the motion, but would also support a continuance to find out why the people who have the most to gain are not present.

Commissioner Densmore commented that although he will probably vote in favor of the motion he is quite reluctant in voting against a project not knowing why the applicant is not here.

MOTION CARRIED unanimously.

AYES: Agnew, Brown Comer, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: None.

Chairman Agnew advised of the appeal procedure.

- 19a. **PLANNING CASE P04-1289:** Proposed conditional use permit by Terry Talley on behalf of Neal T. Baker Enterprises to construct an approximately 2,100 square foot fast food restaurant with a drive thru “Baker’s” on approximately 1.06 vacant acres at 1300 West Blaine Street, situated on the southwesterly corner of Blaine Street and Iowa Avenue, in the C-2 - Restricted Commercial Zone. *(This case to be heard concurrently with Planning Cases P04-1290 and P04-1292.)*
- 19b. **PLANNING CASE P04-1290:** Proposed conditional use permit by William Navigato to construct and operate an approximately 2,244 square foot automotive oil change facility “Grease Monkey” on approximately 1.06 vacant acres at 1300 West Blaine Street, situated on the southwesterly corner of Blain Street and Iowa Avenue, in the C-2 - Restricted Commercial Zone. *(This case to be heard concurrently with Planning Cases P04-1289 and P04-1292.)*
- 19c. **PLANNING CASE P04-1292:** Design Review of Plot Plan and Building Elevations by Terry Talley on behalf of Neal T. Baker Enterprises for an approximately 2,100 square foot fast food restaurant with a drive thru and an approximately 2,244 square foot automotive oil change facility “Grease Monkey” on approximately 1.06 vacant acres at 1300 West Blaine Street, situated on the southwesterly corner of Blaine Street and Iowa Avenue, in the C-2 - Restricted Commercial Zone. *(This case to be heard concurrently with Planning Cases P04-1289 and P04-1290.)*

Clara Miramontes, Senior Planner, presented the staff report. She noted that staff is recommending denial of all three applications.

Bob Wales, Wales Engineering Consulting, Riverside, stated that they find themselves in disagreement with staff on the overall recommendation for denial of this project. He stated that the owner has diligently worked over the past three to four months to attempt to alleviate the concerns that have been brought up and have made significant changes to their plot plan in order to mitigate those concerns. In addition, they have worked with the Hunter Park Chamber of Commerce and have received unanimous recommendation of approval. Unfortunately, when they created the Hunter Park and Redevelopment Project Area they stopped at just short of this property; in other words, the property where the existing Kmart is and the property where they are looking at student housing are both within a Redevelopment Project area, but this is not. This from Blaine up to Linden is not in any project area. He stated as a result of that, the property cannot be combined with the adjacent property and therefore does not blend itself to a mixed use development. He noted that the strip center is there to remain for quite some period of time. It is their belief that the project that has been proposed out there will not only relieve certain portion of the traffic problems at Blaine and Iowa due to the widening to provide a left-turn lane on Blaine, but will also go a long way in enhancing the character of that particular area out there with two locally-owned companies being brought into the area. He introduced Mr. Ari Miller of Camden Holdings.

Ari Miller of Camden Holdings, the property owner, 9454 Wilshire Boulevard, 6th Fl., Beverly Hills, 90212, explained that they purchased this property three years ago from Shell Oil. It, for several decades, had been operated as a gas station with a mini market and a repair garage. In December of 2001, it was demolished when they purchased the property and it has been sitting vacant ever since. He stated that they initially tried to get several banks and drug stores interested in the property; however, to accommodate the size of a drugstore, they needed to acquire some property from the neighbor who has the large strip center that wraps around the west and south of their parcel. They also tried to get easements from this neighbor, but they were not at that time receptive to granting parking easements or selling any portion of the property. They also tried to get sit-down restaurants, but were unsuccessful. They had an offer from 7-Eleven; however, the

University said they were not crazy about the use. They had plans for a strip center, which really was not their choice. They had a marketing campaign, but could not come up with any decent or desirable tenant uses and their marketing consultants told them that was not a good idea. At the beginning of this year Neil Baker and the Navagato Family approached them with an interest to construct a new Baker's Restaurant and a Grease Monkey preventative maintenance facility on the property. They thought that such a use, which is about 4,400 square feet total on a one acre lot was a relatively low intensity use and would be preferable to building a strip center on spec then having to compete with the strip center next to them for tenants. This may cause vacancies and would not be as desirable as a project with a restaurant and a Grease Monkey. He stated that the project is supported by Councilman Ameal Moore, who is the Councilman for Ward 2. He commented that other than the Planning Department, he is not aware of anyone who is against the project. The project is a permitted use within the C-2 and is in compliance with the General Plan. The project meets all the Zoning Code requirements. In terms of parking, the Baker's restaurant exceeds parking code requirements by 19% and the Grease Monkey exceeds parking requirements by 25%. In addition to the drive thru lanes they have to service their customers. Another major point that the staff report did not bring up is that they thought the two uses together on this site were very complimentary in that they have inverse peak hour times. The Baker's projects to serve peak hours at lunch time to serve the students from the University and the employees at the Business Park; whereas, the Grease Monkey's peak hours are mainly on Saturday, Sundays, and in the morning. He noted that both applicants submitted letters to the Planning Department confirming the same. He stated that the prior use as a service station and repair garage and mini market had four curb cuts; the project as proposed reduces it down to only two. They feel this is an improvement. He stated that the applicants have taken a lot of time to meet with Ken Gutierrez and incorporate virtually all of the site plan comments into the plan and design suggestions and they have been very cooperative. They have also established a good record of operations in Riverside and other adjacent cities. He stated that this project is consistent with the cities plan to keep fast food and automotive uses off of University as it would be located on Iowa. The project would, at a cost of about \$200,000, enhance the traffic improvements at the intersection. The project is required to do a 14-foot street widening on Blaine to add an extra right turn lane, which will help the intersection. The project beyond that will install a 6 ½ foot sidewalk and another approximately 7 ½ foot for landscaping. In addition to that there is a 20-foot landscaping setback. He noted that this is a total of 48 feet that will be improved with street improvements and landscaping. In terms of the architecture, there is a lot of old commercial uses that are somewhat run down and tired. This new construction and the upscale mediterranean architecture and materials combined with the lush landscaping and 20-foot landscape setbacks will give a real face lift to the intersection and improve the aesthetics. He stated that as Mr. Gutierrez said to him that even though their project meets code, he would prefer to see the area developed with residential for the University with a mixed use development on this property with retail on ground floor and residential above. He stated that their property is too small for a mixed-use residential project and inappropriate for pedestrian use. He commented that, as a property owner, he does not think it is fair for the Planning Department to try to force them to do a residential project on their property in defiance of the Zoning. He also does not think it is fair to deny this project when the two competitors in the last two projects at this intersection have been identical and legal precedent has been set for those type of uses.

Chairman Agnew asked Mr. Miller if he has read all of the conditions of approval and whether or not he agrees to them.

Mr. Miller stated that the applicants will speak to the conditions. He stated that if the Commission cannot see fit to approve this project, he feels they will be forced to end up building a strip center, which will be less desirable use for the neighborhood and the intersection. He also feels that the legal findings proposed

for denial are simply unfounded and do not stand. There is adequate parking, circulation, and the project zoning does not require mixed use and it is not adequate for residential development at this intersection.

Commissioner Kurani inquired as to the hours of operation of Baker's.

Commissioner Singletary inquired as to whether there have been discussions with the adjoining property owners regarding access through their property.

Mr. Miller stated yes, there has been. They recently discussed this and informed them that the City would prefer them to give reciprocal driveway easements and connect their projects together for site circulation and overall traffic improvement. The adjoining property owner stated they were open to that, but they wanted a letter from the City stating their request. He commented that he asked Planning for such a letter approximately four to six weeks ago, but never received one. He believes the adjacent property owners are reasonable and willing to work with them to affect some kind of either reciprocal access or shared access.

John Swiecki, Principal Planner, noted that the Planning Director did send that letter as requested.

Commissioner Densmore commented this is a rather eclectic area to establish a specific type of architecture; however, he finds this somewhat stark in relation to what is there already in that little shopping center. He asked if any other type of architecture was considered other than the so-called neo-mediterranean, which looks kind of stark.

Mr. Miller stated yes. The Grease Monkey had a modern contemporary architecture, but Mr. Gutierrez suggested that they tie the projects together by having one unified architecture.

Commissioner Densmore expressed his concern that the neo-mediterranean style just does not seem to fit the neighborhood or where the neighborhood might be going.

Terry Talley of Neal Baker Enterprises, 1875 Business Center Drive, San Bernardino, stated that he does have problems with some of the conditions, mainly having to do with color. He noted that he has four units in Riverside and did not have any issues with the colors for any of those. He commented that he would like to keep the colors. Staff mentioned the building was a little stark and asked for some accent on the cornice around the parapet wall and they are willing to work with staff to come up with a color that would work there. He referred to the height of the tower, noting that it is only two feet above the parapet wall to the bottom overhang of the tower. He commented that he does not feel that is out of proportion, but lends itself well to the architecture of the building. He also commented that they have no problem with putting another trellis over the pick-up window, or adding more architectural appointments in the areas where staff has pointed out they might be a little lean.

Chairman Agnew asked Mr. Talley if he disagrees with any specific conditions.

Mr. Talley stated he disagrees with the recommendations for the design of the building and change in the color of the tile. He noted that the hours of operation will be 6:00 a.m. to 12:00 a.m.

Commissioner Densmore asked if this is a standard Baker's.

Mr. Talley stated yes.

Commissioner Brown asked Mr. Talley if he would consider lowering the tower.

Mr. Talley stated he would work with it.

Commissioner Leonard stated that Iowa and Blaine is going to be a prominent intersection. He asked Mr. Talley if he would be open to some sort of fountain feature or decorative feature to soften that corner, within the landscape setback.

Mr. Talley stated yes. He is willing to do anything that enhances their building and brings them customers.

John Lani, 1875 Business Center Drive, representing Baker's, stated that when they originally considered this project there were no concerns about a median on Iowa; however, when they got the conditions one of the things proposed to them was that there be a median on Iowa including a right-turn-only. He stated the very first question they asked was whether there was going to be a median and whether there would be any restrictions on traffic flow in and out of the parking lot. He stated if you are coming from south of the property and there is a median there and there is no u-turn available to the property at the signal it is going to create problems. Also, if you are making a right-turn-only and if you come from the Hunter Park area north of the property there is no way for their customers to go back north on Iowa based on the fact, as staff pointed out, it is pretty hard to get to the left-turn lane on Blaine to make a left turn and proceed north from Iowa Avenue. He commented that they would like to have some more details on this because that was not proposed to them.

Rob Van Zanten, Senior Engineer with the Public Works Department, commented that he is not sure who Mr. Lani might have spoken with or who might have inquired about this at the onset and he apologized for any erroneous information given out at that time; however, Iowa Avenue is designated under the General Plan as 110 foot arterial and as such that includes a center median. With regard to some of the circulation, with having access on both streets he thinks the ability to be able to make a left turn ingress. If you were to go northbound on Iowa and you make a left onto westbound Blaine, you could make a left into the driveway that is on Blaine property. He stated that any of these movements can be done; are they potentially cumbersome, yes, which is one of the reasons staff was recommending trying to utilize some of the existing driveway approaches that are already out there that serve that other center and provide more of an internal circulation because that will ease some of the inherent problems with access.

Mr. Lani asked if they would be able to make a u-turn at the intersection.

Mr. Van Zanten stated that at this point he would say yes; the only way they would preclude u-turn on an intersection like that is if there is a dedicated right-turn phase. Currently, that is not the way the signals are set up. In the event a u-turn would be prohibited, then a motorist could continue that left-turn movement then ultimately make a left turn from Blaine Street into their site.

Mr. Lani asked if the median is going to extend 110 feet.

Mr. Van Zanten stated right now all they are requiring is a cash contribution for a proportionate share of future median construction. The median itself is actually going to extend all the way down to the south to tie into the medians that are currently in Chicago near the University Village. There will be median breaks at certain locations along the way, obviously at street intersections and other appropriate locations, but the proximity of these driveways to the intersection they would not allow median breaks because these driveways coincide with the existing turn pockets and the storage for those turn pockets as they are. He

stated it is a possibility for a median break southerly of this project within that strip mall area to align with the existing driveway within the strip mall.

Chairman Agnew commented that these issues should not be discussed at today's meeting, but dealt with on a staff level.

Bill Navagato, representing Grease Monkey, spoke in support of the project. He noted that he agrees with all of the conditions of approval.

Commissioner Leonard expressed his desire to continue these cases to allow the applicant and staff to work out the unresolved issues he has heard today. He would also like to allow the applicant to meet with the adjoining land owner to firm up the reciprocal access to the adjoining driveways and close the access points as reflected on this plan.

Commissioner Densmore stated that he sympathizes and understands what the Planning Department is after here and he would normally agree with it except for the fact that this corner is a sad little corner and really does need a 'pick me up'; however, he cannot get around the architecture. He would like to approve the usages, but continue the design review, which would include signage, screening the drive-thru portion, landscaping, lighting, ingress/egress, and hours of operation.

Commissioner Leonard stated the reason he would argue for continuance is that by closing these access points, we still do not have a deal with the adjacent property owner and applicant and it is unclear whether that will happen. Also, there is some operational aspects here that need to be resolved. The continuance allows the applicant to refine everything with staff and bring back a complete package.

There was further discussion amongst the Commission.

Ken Gutierrez, Planning Director, stated he would like to clarify some things. Mr. Miller did characterize a conversation he had with him and he feels he needs to share his spin on that. He stated that in many ways this is a good location for the kinds of uses that are being proposed provided the design concerns that the Commission has articulated very eloquently are met. It is a highly visible corner and the bar needs to be raised; however, staff did not support this because of a philosophical viewpoint. He does not believe this is a large enough or logical site for a mixed use development. At the time he met with Mr. Miller there was a student housing project that was being proposed adjacent to this on the property at Iowa and Blaine. Eventually, the land where Kmart is is going to be recycled into a different kind of use. The General Plan shows this ultimately for a mixed use kind of development. We are starting to see this developed as a corridor between here and the University; even today you see students walking in the area. The kinds of uses that make sense are pedestrian oriented uses looking out over a two-to-five year period. That is the philosophical side of things and why staff did not support it. If it weren't from that the kinds of uses being proposed would make sense.

Following further discussion, the applicant agreed to continue all three cases.

MOTION MADE by Commissioner Leonard, **SECONDED** by Commissioner Norton, **TO CONTINUE** the above cases to the meeting of January 6, 2005.

MOTION CARRIED unanimously.

AYES: Agnew, Brown, Densmore, Kurani, Leonard, Norton, Singletary, Stephens

NOES: None.

DISQUALIFIED: None.

ABSTAINED: None.

ABSENT: Comer

WORKSHOP

20. Continued review of the General Plan 2025 Program with emphasis on the Zoning Code. The Commission will adjourn to the Board Room for this lunch time workshop.

DISCUSSION OF FUTURE AGENDA ITEMS

MISCELLANEOUS PLANNING AND ZONING ITEMS

21. Appointment of Planning Commissioner to Mayor's Walkable Community Task Force.

The Planning Commission voted Commissioner Densmore to serve on the Task Force. Chairman Agnew will service as the alternate.

22. Potential scheduling of Rancho La Sierra field trip.

The Commission scheduled this field trip for December 17 at 9:00 a.m. at the site.

23. Report from the City Planning Commission representative to the City Land Use Committee.

Ken Gutierrez, Planning Director, presented a brief report.

24. Recent City Council actions of interest to the City Planning Commission.

John Swiecki, Principal Planner, presented a brief update to the Commission.

25. Briefing on upcoming agenda items.

Mr. Swiecki gave a short briefing.

MINUTES

The minutes of September 23, 2004 were approved as presented.

ADJOURNMENT

The meeting was adjourned at 3:41 p.m. to the meeting of January 6, 2005.